



**TO:** Environmental Management Advisory Committee

**FROM:** Wendy FarleyCampbell, Planning Director

**MEETING DATE:** February 18, 2016

**SUBJECT:** Council Goal 2, Objective 5, Task 2: Streamline Land Use Process

### **BACKGROUND:**

To address Florence City Council Goal 2, Objective 5, Task 2 the Planning Commission is tasked to review the options for reducing the amount of land use process and expense required for a business or property owner to make changes to their site or get approval to occupy a site. One option is to add a Ministerial process that involves a decision requiring no use of discretion in applying standards or criteria. A project either meets or does not meet code.

The City of Florence offers the following land use process types: Administrative, Quasi-Judicial, and Legislative. While the state sets the process for some types of actions such as legislative and quasi-judicial zone and comprehensive plan amendments, variances and conditional uses the local jurisdiction can set the process for other “lesser” types of actions. The limitation of application type is how much discretion is in the code.

Staff performs some types of decisions that would be classified as a Ministerial decision. Thus amending code to add a ministerial process would codify this current practice and reduce the number of land use decisions currently processed in other categories either Administratively or at the Planning Commission. Another added benefit will be the voluntary improvement of existing structures as the current process is unnecessarily time consuming and the associated fee often matches or exceeds the cost of the work proposed. As such many property and business owners either defer improvements or perform the work without review.

The City of Florence has adopted numerous code standards such as stormwater, landscaping, lighting, public improvements, and site access over the last eight years. A result is that the code is fairly prescriptive and many elements do not require utilizing discretion in making a decision. The criteria that have not been codified and thus require discretion are building design standards. Building design standards are intended to protect the public health, safety, and welfare through clear and objective standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. Some methods to achieve this purpose include setting standards and options for building orientation, articulation, architectural detailing, exterior cladding materials and colors.

The City of Florence currently sets many of these standards in the Florence Downtown Architectural Guidelines (attached). They however are not in the Florence City Code and rather are implemented as an appendices of Chapter 2 of the Florence Realization 2020 Comprehensive Plan. City staff cannot make decisions based on solely on historic practice and Comprehensive Plan policy that are not codified. The City of Florence Planning Commission over the last 20 years has applied fairly standard and consistent decisions regarding building design and color selections. Incorporating the architectural standards, governed through the Comprehensive Plan and the long applied “standards”, into zoning policy will codify the City of Florence’ practice of establishing minimum levels of design and building standards that affect the community’s character. It would also permit the opportunity for ministerial review of some types of projects and assist Planning Commission in applying consistent standards. In the case of ministerial decisions staff would recommend that requests for variations would retain the opportunity for a different design or appearance through a public hearings process with the Planning Commission.

### PROCESS

First published in 1999, Oregon in 2012 updated the Model Development Code for Small Cities. The guide was created at the request of numerous Oregon communities wanting consistent guidance and technical expertise in zoning, development standards, review procedures, and implementation of the state planning rules and statutes.

Staff has reviewed the land use process section of the model code and drafted modifications to Florence’ Title 10 Chapter 1, Zoning Administration. Staff added a section listing and describing the various permit review procedures. Strangely this has never existed and has understandably been confusing to planners in knowing what the city’s specific land use application processes are. Staff also added a section on the ministerial/zoning checklist procedure, and subsections addressing application requirements, criteria and decision policies and effective dates. Within this section staff listed decisions qualifying for ministerial review that have either “just been done”, been performed under Administrative Review or Quasi-Judicial Review by the Planning Commission. Some decisions were previously listed under Administrative Review but had been called out as “staff decisions without Administrative Review.”

At this time staff seeks confirmation from the Planning Commission on the selected ministerial decision classifications and process. At the meeting staff will present implementation strategies for Florence’s architectural code and Planning Commission building design review practices using Oregon’s Model Code for residential and non-residential buildings.

### ATTACHMENTS:

1. Title 1, Chapter 1 Proposed Code Amendments
2. Florence Downtown Architectural Guidelines